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8 *Attorneys for Defendants State of California*
(by and through the California Highway
9 *Patrol) and Sergio Flores*

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

13 JACOB GREGOIRE,

14 Plaintiff,

15 v.

16
17 CALIFORNIA HIGHWAY PATROL,
an agency of the State of California;
18 SERGIO FLORES, and DOES 1 to 20,

19 Defendants.

Case No.: 14-cv-01749-GPC (DHB)

**DECLARATION OF DOUGLAS E.
BAXTER IN SUPPORT OF
DEFENDANTS' EX PARTE
APPLICATION TO ALLOW
TELEPHONIC APPEARANCE OF
CHP REPRESENTATIVE AT
MANDATORY SETTLEMENT
CONFERENCE**

Date: Ex Parte
Time: Ex Parte
Courtroom: Tenth Floor (Annex)
Judge: The Honorable David H.
Bartick

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1 I, Douglas E. Baxter, hereby declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California. I
3 am authorized to appear before the United States District Court for the Southern
4 District of California. I am assigned to represent Defendants State of California (by
5 and through the California Highway Patrol) and Sergio Flores in the above-entitled
6 action.

7 2. This week, I was informed by Carolyn Lloyd, Assistant Chief Counsel of
8 the California Highway Patrol, that Kim Hunter, Chief Counsel of the California
9 Highway Patrol, is suffering from serious medical issues. Ms. Hunter would
10 normally be in attendance at a mandatory settlement conference in this type of
11 action. However, I was also informed that, on December 4, 2015, Ms. Hunter will
12 be undergoing medical procedures that prevent her from traveling. Ms. Lloyd
13 informed me that Ms. Hunter's condition is extremely serious, and that she is
14 presently unable to attend to her normal duties. As a result, Ms. Lloyd is filling
15 both her own job duties and the role of Chief Counsel. Ms. Lloyd is charged not
16 only with the day-to-day legal affairs of the California Highway Patrol, but she is
17 also responsible for monitoring all of its current civil actions around the State.

18 3. Ms. Lloyd has informed me that she is heavily overtasked right now and
19 for the indefinite future. Because she is performing multiple roles at the highest
20 level of the CHP Office of Legal Affairs, it would be extremely burdensome for her
21 to leave her post in Sacramento to travel to San Diego on December 4, 2015.
22 Because she is responsible for the daily work that would normally be shared by the
23 Chief Counsel, the Assistant Chief Counsel, and other staff counsel (who have been
24 assigned to other duties outside the civil litigation arena), Ms. Lloyd has informed
25 me that she needs to be available in Sacramento for the multitude of issues that
26 arise on a daily basis in the course of CHP's statewide operations.

27 4. Acting as Chief Counsel, Ms. Lloyd is the person at CHP who will have the
28 authority to negotiate settlements. She can be available telephonically on

1 December 4, 2015. I am the assigned litigation counsel with primary responsibility
2 for handling the Defendants' defense. I plan to be present in person at the
3 mandatory settlement conference.

4 I, Douglas E. Baxter, affirm under penalty of perjury under the laws of the
5 State of California that the foregoing information is true and correct of my own
6 knowledge, except as to those matters stated on information and belief, and as to
7 those matters, I believe them to be true. This declaration is being executed on this
8 _____ day of November 2015 at San Diego, California.

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11 S/DOUGLAS E. BAXTER
12 Douglas E. Baxter
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